



DOCKET FILE COPY ORIGINAL

# NATIONAL ASSOCIATION OF THE DEAF

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RECEIVED

October 8, 1998

OCT - 8 1998

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: In the Matter of Inquiry Concerning the Deployment of  
Advanced Telecommunications Capability to All Americans  
in a Reasonable and Timely Fashion, and Possible Steps to  
Accelerate Such Deployment Pursuant to Section 706 of the  
Telecommunications Act of 1996, CC Dkt. No. 98-146

Dear Ms. Salas:

Enclosed please find one original and four copies of Reply comments of the Consumer  
Action Network in the above captioned docket.

Sincerely,

Karen Peltz Strauss  
Legal Counsel for Telecommunications Policy  
National Association of the Deaf

Enclosures

cc: International Transcription Services, Inc.

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**ORIGINAL**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

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Inquiry Concerning the Deployment of )  
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Capability to All Americans in a Reasonable ) CC Docket 98-146  
and Timely Fashion, and Possible Steps )  
to Accelerate Such Deployment )  
Pursuant to Section 706 of the )  
Telecommunications Act of 1996 )

**REPLY COMMENTS OF  
THE CONSUMER ACTION NETWORK**

By Counsel:

Karen Peltz Strauss  
Legal Counsel for Telecommunications Policy  
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Before the  
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	)	
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**REPLY COMMENTS OF  
THE CONSUMER ACTION NETWORK**

**I. Introduction**

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The National Association of the Deaf (NAD) and the Consumer Action Network (CAN) submit these comments in response to the Federal Communication Commission's (FCC's or Commission's) Notice of Proposed Rulemaking (NOI) in the above captioned proceeding. The NAD is the nation's largest organization safeguarding the accessibility and civil rights of 28 million deaf and hard of hearing Americans in education, employment, health care, and telecommunications. The NAD is a private, non-profit federation of 51 state association affiliates including the District of Columbia, organizational affiliates, and direct members. The NAD seeks to assure a comprehensive, coordinated system of services that is accessible to Americans who are

deaf and hard of hearing, enabling them to achieve their maximum potential through increased independence, productivity, and integration. CAN is a coalition of national organizations of, by, and for deaf and hard of hearing people, that also seeks to protect and expand the rights of deaf and hard of hearing persons in education, employment, telecommunications, technology, health care, and community life.<sup>1</sup>

The individuals who make up CAN's organizations have an immediate and substantial interest in the deployment of advanced telecommunications capabilities. The deployment of high-capacity bandwidth for interactive voice, data, and video transmission can tear down many of the barriers now faced by individuals wishing to become a productive part of the workforce. As noted by Chairman Kennard, the deployment of these technologies will assist in providing "Americans with disabilities the opportunity they deserve to maximize their productivity and their enjoyment of life."<sup>2</sup>

Perhaps the most obvious example of an advanced telecommunications service that will immediately affect the lives of deaf and hard of hearing people is video conferencing. Discussing the future availability of such a service, Chairman Kennard stated that video conferencing will be especially important for individuals who use American Sign Language[(ASL)], as they will be able to "converse with others in their native language, [and be] free to add the facial expressions and ASL nuances that are impossible to translate into English when using a TTY."<sup>3</sup> Similarly, video relay services, which use a sign language interpreter to relay calls between voice users and

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<sup>1</sup> See Attachment A for a complete list of CAN membership organizations.

<sup>2</sup> Press Statement of Chairman Kennard on FCC's Actions to Promote Deployment of Advanced telecommunications Services by All Providers, August 6, 1998

<sup>3</sup> Id.

individuals who use sign language, can become a critical communication tool with high speed services, enabling relay conversations to take place in real-time. The current nationwide system of text to voice relay services is slow and cumbersome. While video relay services offer one solution to this problem for native ASL users, these services will not become widespread unless high speed transmissions become ubiquitous at affordable rates.<sup>4</sup>

Similarly, the demand for high-speed data and Internet services can significantly enhance the quality of life for deaf and hard of hearing Americans. Today's on-line applications are filled with complex graphic material and streaming audio and video which require higher bandwidth and faster speeds. Without further investment, the Internet may prove to be of limited value as an informational resource or as a tool to level the playing field for deaf and hard of hearing consumers. The benefits of these applications, such as telemedicine, distance learning, and telecommuting, can be staggering. However, these will only be realized for all Americans if higher bandwidth and faster speeds are made available, accessible by, and affordable to all citizens, including individuals with disabilities.

To date, access to high speed bandwidth at reasonable prices has not been made widely available. CAN members report that even where access has been provided, the quality and effectiveness of such service have been questionable. Moreover, consumers report that there is

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<sup>4</sup> Currently, only one state - North Carolina - offers video relay services to its residents. Although the state of Texas conducted two relay trials, the high costs of providing these services with the bandwidth available has prevented the adoption of these services as permanent offering in the Texas relay system to date.

only minimal technical support available once such service is acquired.<sup>5</sup>

As the FCC offers incentives for the deployment of advanced services to consumers, it is critical for the Commission to keep in mind the importance of ensuring that these services will be accessible by and affordable to individuals with disabilities. Section 251(a)(2) prohibits telecommunications carriers from “install[ing] network features, functions or capabilities that do not comply with the guidelines and standards established pursuant to section 255 or 256.” Section 255 requires that all telecommunications products and services be accessible to individuals with disabilities. To the extent that the Commission seeks to adopt solutions that are intended to encourage the deployment of advanced telecommunications capabilities, the Commission must ensure that those solutions do not, in any way, diminish Section 251’s mandates for disability access.

For example, the Commission’s Notice of Proposed Rulemaking on advanced services, released simultaneously with the instant NOI<sup>6</sup>, offers incumbent local exchange companies (LECs) the option of creating separate affiliates to provide advanced services. Should this or similar proposals ultimately be adopted, they should be designed so as not to release those subsidiaries from their Section 251(a)(2) duties to provide access. Additionally, just as the Alliance for Public Technology (APT) has called for a federal/state/community based partnering for rural and low-

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<sup>5</sup> One example of an advanced telecommunications service with which consumers have had some difficulty is ISDN. Even when purchased, this service has been expensive, has been difficult to use, and technical support for its proper use has been inadequate.

<sup>6</sup> *In the Matters of Wireline Services Offering Advanced Telecommunications Capability*, CC Dockets Nos. 98-147, 98-11, 98-26, 98-32, 98-78, 98-91, CCB/CPD No. 98-15, RM 9244, Memorandum Opinion and Order and Notice of Proposed Rulemaking (August 7, 1998)

income areas, so too should there be a similar effort with respect to accessible services for individuals with disabilities. The NOI explains that APT supports a partnership as “a necessary complement to a market-based system, because the market for advanced telecommunications capability will likely not be a perfect one.”<sup>7</sup> APT is correct in saying that competition will respond to populations and communities where the demand and willingness to pay for advanced services are highest.<sup>8</sup> It is for this very reason that, in the past, consumers with disabilities have largely been ignored in the deployment of new telecommunications technologies. History has shown that larger companies have been reluctant to develop solutions for smaller markets. Indeed, typically, smaller companies have been the ones to come forth with technological innovations that respond to the needs of individuals who are deaf and hard of hearing. It is critical then, that an FCC solution for the rapid deployment of advanced services must be one that ensures full and equitable access to networks by all companies, including those that are likely to provide responsive innovations for smaller markets.

Equitable and affordable access to advanced technologies can significantly enhance the quality of life for individuals who are deaf and hard of hearing. Toward this end, CAN urges the Commission to take action to ensure that all Americans have access to the benefits of advanced

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<sup>7</sup> NOI ¶71.

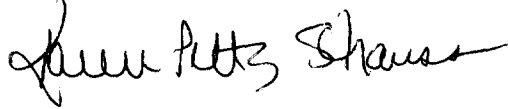
<sup>8</sup> Id.

telecommunications services. We thank the Commission for the opportunity to submit these comments.

Respectfully submitted,

Consumer Action Network

By Counsel:

A handwritten signature in black ink, appearing to read "Karen Peltz Strauss". The signature is fluid and cursive, with the first name "Karen" being the most prominent.

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## **ATTACHMENT A**

### **Consumer Action Network**

#### **Members**

American Association of the Deaf-Blind  
American Athletic Association of the Deaf  
American Society for Deaf Children  
Association of Late Deafened Adults  
Deaf Women United, Inc.  
Gallaudet University Alumni Association  
Jewish Deaf Congress  
National Association of the Deaf  
National Black Deaf Advocates  
National Fraternal Society of the Deaf  
National Hispanic Council of Deaf and Hard of Hearing People  
Telecommunications for the Deaf, Inc.

#### **Affiliate Members**

Association of College Educators: Deaf and Hard of Hearing  
American Deafness and Rehabilitation Association  
Convention of American Instructors of the Deaf  
The Caption Center  
Conference of Educational Administrators Serving the Deaf, Inc.  
National Captioning Institute  
Registry of Interpreters for the Deaf, Inc.